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NEEDLE & ROSENBERG, P.C.			FOWLKES, ANDRE R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,185

Applicant(s)

ZYGOMONT ET AL.

Examiner

Andre R. Fowlkes

Art Unit

2192

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed 6/10/05.
2. Claims 1-40 are pending. No Claims have been canceled, added or amended.

Response to Amendment

3. The declaration filed on 6/10/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bowman-Amuah ("Bowman") reference.
4. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Bowman reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).
5. The applicant is attempting to show that the instant invention was reduced to practice in this country, prior to August 31, 1999, the effective date of the Bowman reference. In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose (MPEP 715.07). For an actual reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose (MPEP 2138.05). A general

allegation that the invention was completed prior to the date of the reference is not sufficient. *Ex parte Saunders*, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883).

Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131 (MPEP 715.07).

6. The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). *In re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (MPEP 715.07).

7. Paragraphs 3 of the affidavit states:

"I, (David A. Zygmunt), had conceived and reduced to practice the invention described and claimed in the Application in the United States at least as early as

September 23, 1998, as evidenced by the following: I conceived and reduced the invention to practice as shown in Exhibits 1, 2, 3, 4, 5, 6 and 7, attached”

This amounts to a allegation of reduction to practice and testing of the claimed invention. This amounts to mere pleading and thus does not satisfy the requirements of 37 CFR 1.131(b) and is therefore inadequate to prove prior invention.

8. The description of Exhibit 1 states that “Class_p.cpp which illustrates a metaprogram to be combined with an object model by a meta-machine to generate a software system”. The unstated implication is that this metaprogram was actually combined with the object model and the meta-machine existed and functioned as claimed, at this point in time. Note that no statement to this effect is included in the affidavit.

9. Applicant has not provided a clear explanation as to how the exhibit supports the claimed invention. For example, claim 1 requires “a meta-machine binding the components to the meta programs to generate the software system.” The examiner has attempted to locate this limitation in the exhibits, but has not been successful. The burden is upon the Applicant to demonstrate that the Exhibit relied upon supports reduction to practice of an invention which falls within the scope of the claimed invention. The examiner suggests mapping at least the independent claims to the

features in the exhibits to demonstrate that the exhibit relied upon supports reduction to practice of an invention which falls within the scope of the claimed invention.

The affidavit asserts that facts exist but does not tell what they are or when they occurred. This is not sufficient to show that the instant invention was reduced to practice prior to August 31, 1999.

10. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Bowman reference to either a constructive reduction to practice or an actual reduction to practice.

Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. *Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence.

What is meant by diligence is brought out in *Christie v. Seybold*, 1893 C.D. 515, 64 O.G. 1650 (6th Cir. 1893). In patent law, an inventor is either diligent at a given time or he is not diligent; there are no degrees of diligence. An applicant may be diligent within the meaning of the patent law when he or she is doing nothing, if his or her lack of activity is excused. Note, however, that the record must set forth an explanation or

excuse for the inactivity; the USPTO or courts will not speculate on possible explanations for delay or inactivity. See *In re Nelson*, 420 F.2d 1079, 164 USPQ 458 (CCPA 1970).

Under 37 CFR 1.131, the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice, either actual or constructive (i.e., filing a United States patent application). Note, therefore, that only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon" is not relevant to an affidavit or declaration under 37 CFR 1.131. See *Ex parte Merz*, 75 USPQ 296 (Bd. App. 1947).

11. Additionally, only one of the two inventors listed on the patent application has signed the affidavit.

An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims. Further, where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint inventors of the subject matter of the claim(s) under rejection. *In re Carlson*, 79 F.2d 900, 27 USPQ 400 (CCPA 1935).

12. In the interest of furthering prosecution of the application, the examiner has reviewed the exhibit to determine what it shows. The Examiner is of the opinion that the proffered Exhibit is not adequate to support either conception or reduction to practice of the claimed invention.

To prove reduction to practice applicant must show that adequate testing was done either under actual working conditions or under realistic simulation of working conditions so that it is clear that it would function for its intended purpose.

Further, this affidavit fails to recite sufficient facts for the examiner to determine:

- (a) which of the claim limitations are satisfied by the exhibits;
 - (b) whether any tests were done;
 - (c) whether the test conditions represented actual conditions or realistically simulated conditions;
 - (d) whether the test results demonstrate that the test was in fact successful;
- and
- (e) whether the test results, if successful, were also reproducible;
 - (f) whether the affidavit contains enough support to actually make and use the claimed invention.

These examples are merely illustrative and are not comprehensive. The burden is on Applicant to prove prior invention if applicant desires to antedate the reference.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 11-18, 20, 27-35, 37, 38 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (Bowman), U.S. Patent No. 6,715,145.

As per claim 1, Bowman discloses a method for developing a software system, comprising the steps of:

- **providing an object model expressed in an object modeling computer language, the object model representing a software system and comprising components realizing classes** (col. 176 line 44, "the Unified Modeling Language (UML)", and UML provides the capability to express object models representing software system and comprising components realizing classes),

- **providing a set of one or more metaprograms reflecting a computer system architecture** (col. 176:47, "the information model (i.e. a metaprogram: A high-level roadmap containing software, hardware, and other information technology requirements for HSE-MIS, see GEMI's glossary for Health, Safety & Environment - Management Information Systems <http://www.hsewebdepot.org/imstool/GEMI.nsf/WEBDocs/Glossary?OpenDocument>)),

- **a meta-machine binding the components to the metaprograms to generate the software system for a computer system having said architecture** (col. 176:37-38, "it should integrate (i.e. bind) all of the necessary tools (i.e. components) through an information model").

As per claim 2 the rejection of claim 1 is incorporated and further, Bowman discloses that **the object modeling computer language is the Unified Modeling Language (UML)** (col. 176 line 44, "the Unified Modeling Language (UML)").

As per claim 3 the rejection of claim 1 is incorporated and further, Bowman discloses:

- **the step of providing an object model** (col. 176 line 44, "the Unified Modeling Language (UML)", and UML provides the capability to express object models representing software system and comprising components realizing classes),

- **the step of providing a set of one or more metaprograms** (col. 176 line 47, "the meta-model (i.e. metaprogram)", reflects a computer system architecture).

As per claim 4 the rejection of claim 1 is incorporated and further, Bowman discloses that **the step of providing an object model comprises a user using a graphical user interface to list a project in a first window** (col. 1 line 52, "a graphical user interface (GUI)", capable of presenting information in multiple windows), **the project representing the object model** (col. 176 line 44, "the Unified Modeling

Language (UML)", and UML provides the capability to express object models representing software system and comprising components realizing classes), **and the step of providing one or more metaprograms comprises a user using a graphical user interface to list one or more metaprojects in a second window** (col. 1 line 52, "a graphical user interface (GUI)", displays information in list format), **each metaproject including a list of representations of the metaprograms** (col. 176 line 47, "the meta-model (i.e. metaprogram)", and several metaprograms can be grouped in a list to form a metaproject).

As per claim 11, Bowman also discloses such claimed limitations as addressed in claim 13 below.

As per claim 12, the rejection of claim 1 is incorporated and further, Bowman discloses that **each metaprogram in said set of metaprograms includes code and metacode, and the metacode generates a portion of the source code of the software system by outputting the code** (col. 177 lines 3-7, "Code generation", and code generation tools (i.e. metacode) generate and output code").

As per claim 13 the rejection of claim 12 is incorporated and further, Bowman discloses that **the step of a user using a graphical user interface to invoke a metaprogram editor** (col. 1 line 52, "a graphical user interface (GUI)", can be used to invoke programs).

As per claim 14 the rejection of claim 13 is incorporated and further, Bowman discloses that **a user activating a toggling function of the metaprogram editor to toggle a window between highlighting the code and highlighting the metacode** (col. 1 line 52, "a graphical user interface (GUI)" can invoke and display highlighted sections of text).

As per claim 15 the rejection of claim 1 is incorporated and further, Bowman discloses that **the set of metaprograms includes a model metaprogram that modifies the object model** (col. 177 lines 3-7, "Code generation", and code generation tools are programs (i.e. metaprograms) that modify other programs and data (i.e. object model)).

As per claim 16 the rejection of claim 1 is incorporated and further, Bowman discloses that **the set of metaprograms includes a component metaprogram invoked once for each component and uses the classes realized by the component to produce a portion of the software system** (col. 177 lines 3-7, "Code generation", and code generation tools (i.e. component metaprograms) use classes realized by object model components to produce software).

As per claim 17 the rejection of claim 1 is incorporated and further, Bowman discloses that **the set of metaprograms includes a class metaprogram that is**

invoked once for each class realized in each component and that produces a portion of the software system (col. 177 lines 3-7, "Code generation", and code generation tools (i.e. class metaprograms) use classes realized by object model components to produce software).

As per claim 18, this is a product version of the claimed method discussed above, in claim 1, wherein all claimed limitations also have been addressed above.

As per claims 20, 27-35, 37, 38, and 40, Bowman also discloses such claimed limitations as addressed in claims 3, 4 and 12-17.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5-10, 19, 21-26, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman in view of Mueller, "Instant UML", Wrox Press, 1997.

As per claim 5 the rejection of claim 4 is incorporated and further, Bowman doesn't explicitly disclose that **the object modeling computer language includes an**

extension mechanism for the specification of user-defined properties and the assignment of these properties and their values to elements of the object model.

However, Mueller, in an analogous environment, discloses that **the object modeling computer language includes an extension mechanism for the specification of user-defined properties and the assignment of these properties and their values to elements of the object model** (p. 1 lines 6-8, "Stereotypes, tagged values, and constraints facilitate the extension of UML. Stereotypes specialize metamodel classes, tagged values extend the attributes of the metamodel classes and constraints extend the metamodel semantics").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Mueller into the system of Bowman to include extension mechanisms in the object modeling language. The modification would have been obvious because one of ordinary skill in the art would have wanted to extend the capabilities of the object modeling language (Mueller, p. 1 lines 6-8).

As per claim 6 the rejection of claim 5 is incorporated and further, Bowman discloses that **the object modeling computer language is the Unified Modeling Language (UML)** (col. 176 line 44, "the Unified Modeling Language (UML)").

Bowman doesn't explicitly disclose that **the user-defined extension mechanism is a Stereotype**.

However, Mueller, in an analogous environment, discloses that **the user-defined extension mechanism is a Stereotype** (p. 1 lines 6-8, "Stereotypes, tagged values, and constraints facilitate the extension of UML. Stereotypes specialize metamodel classes, tagged values extend the attributes of the metamodel classes and constraints extend the metamodel semantics").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Mueller into the system of Bowman to include stereotype extension mechanisms in the UML object modeling language. The modification would have been obvious because one of ordinary skill in the art would have wanted to extend the capabilities of UML (Mueller, p. 1 lines 6-8).

As per claim 7 the rejection of claim 5 is incorporated and further, Bowman discloses that **the object modeling computer language is the Unified Modeling Language (UML)** (col. 176 line 44, "the Unified Modeling Language (UML)").

Bowman doesn't explicitly disclose that **the user-defined extension mechanism is Tagged Values**.

However, Mueller, in an analogous environment, discloses that **the user-defined extension mechanism is Tagged Values** (p. 1 lines 6-8, "Stereotypes, tagged values, and constraints facilitate the extension of UML. Stereotypes specialize metamodel classes, tagged values extend the attributes of the metamodel classes and constraints extend the metamodel semantics").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Mueller into the system of Bowman to include tagged value extension mechanisms in the UML object modeling language. The modification would have been obvious because one of ordinary skill in the art would have wanted to extend the capabilities of UML (Mueller, p. 1 lines 6-8).

As per claim 8 the rejection of claim 5 is incorporated and further, Bowman discloses **the step of a meta-machine binding the components to the metaprograms comprises the steps of: searching the list of metaprojects for a metaproject having a name matching a name of an implementation target** (col. 177 lines 3-7, "Code generation (i.e. using a meta-machine to bind components to metaprograms).", and the system must search to find the desired metaproject/implementation target match before binding the metaprograms that comprise the metaproject), **and storing an indication of an association between the metaproject having the matching name with metaprograms of which representations are listed in the metaproject having the matching name** (col. 177 lines 3-7, "Code generation (i.e. using a meta-machine to bind components to metaprograms).", and the system must search to find the desired metaproject/implementation target match before binding the metaprograms that comprise the metaproject. Additionally, this information may be stored).

Bowman doesn't explicitly disclose that **the implementation target is defined by the user-defined extension mechanism associated with the components.**

However, Mueller, in an analogous environment, discloses that **the implementation target is defined by the user-defined extension mechanism associated with the components** (p. 1 lines 6-8, "Stereotypes, tagged values, and constraints facilitate the extension of UML. Stereotypes specialize metamodel classes, tagged values extend the attributes of the metamodel classes").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Mueller into the system of Bowman to define the implementation target by the user-defined extension mechanisms. The modification would have been obvious because one of ordinary skill in the art would have wanted to use the extended the capabilities of UML to specify specific properties for each class extension (Mueller, p. 1 line 11- p.2 line 6).

As per claim 9 the rejection of claim 8 is incorporated and further, Bowman discloses that **the object modeling computer language is the Unified Modeling Language (UML)** (col. 176 line 44, "the Unified Modeling Language (UML)").

Bowman doesn't explicitly disclose that **the user-defined extension mechanism is a Stereotype**.

However, Mueller, in an analogous environment, discloses that **the user-defined extension mechanism is a Stereotype** (p. 1 lines 6-8, "Stereotypes, tagged values, and constraints facilitate the extension of UML. Stereotypes specialize metamodel classes, tagged values extend the attributes of the metamodel classes and constraints extend the metamodel semantics").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Mueller into the system of Bowman to include stereotype extension mechanisms in the UML object modeling language. The modification would have been obvious because one of ordinary skill in the art would have wanted to extend the capabilities of UML (Mueller, p. 1 lines 6-8).

As per claim 10 the rejection of claim 8 is incorporated and further, Bowman discloses that **the object modeling computer language is the Unified Modeling Language (UML)** (col. 176 line 44, "the Unified Modeling Language (UML)").

Bowman doesn't explicitly disclose that **the user-defined extension mechanism is Tagged Values**.

However, Mueller, in an analogous environment, discloses that **the user-defined extension mechanism is Tagged Values** (p. 1 lines 6-8, "Stereotypes, tagged values, and constraints facilitate the extension of UML. Stereotypes specialize metamodel classes, tagged values extend the attributes of the metamodel classes and constraints extend the metamodel semantics").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Mueller into the system of Bowman to include tagged value extension mechanisms in the UML object modeling language. The modification would have been obvious because one of ordinary skill in the art would have wanted to extend the capabilities of UML (Mueller, p. 1 lines 6-8).

As per claims 19, 21-26, 36, and 39, the combination of Bowman and Mueller also discloses such claimed limitations as addressed in claims 5-10, above.

Response to Arguments

15. Applicants arguments have been considered but they are not persuasive.

In the remarks, the applicant has argued substantially that:

1) Neither Bowman or Mueller, alone or in combination discloses metaprograms which reflect a computer system architecture by combining a traditional programming language with metacode as in the application, at p. 4:20-24 and 6:19-21.

Examiner's response:

1) The examiner disagrees with applicant's characterization of the applied art. Bowman does disclose metaprograms that reflect a computer system architecture, at col. 176:47, "the information model (i.e. A high-level roadmap containing software, hardware, and other information technology requirements for HSE-MIS, see GEMI's glossary for Health, Safety & Environment - Management Information Systems <http://www.hsewebdepot.org/imstool/GEMI.nsf/WEBDocs/Glossary?OpenDocument>)" as addressed in the above art rejection. However, the plain language of the claims "does disclose metaprograms that reflect a computer system architecture by combining a traditional programming language with metacode", as argued by applicant.

In the remarks, the applicant has argued substantially that:

2) Neither Bowman or Mueller, alone or in combination discloses a meta-machine binding components to metaprograms as in claim 1, at p. 5:14-17 and 6:19-21.

Examiner's response:

2) The examiner disagrees with applicant's characterization of the applied art. Bowman does disclose binding components to metaprograms, as claimed, at col. 176:37-38, "it should integrate (i.e. bind) all of the necessary tools (i.e. components) through an information model" as addressed in the above art rejection.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

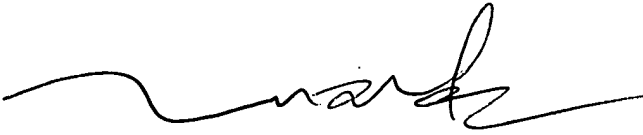
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF



TUAN DAM
SUPERVISORY PATENT EXAMINER